

Reporting Abuse and Neglect

9 CSR 10-5.200 (2) This section applies to any director, supervisor or employee of any residential facility, day program or specialized service, that is licensed, certified or funded by the Department of Mental Health. Facilities, programs and services that are operated by the department are regulated by the department's operating regulations and are not included in this definition.

(A) Any such person shall immediately file a written complaint if that person has reasonable cause to believe that a consumer has been subjected to any of the following misconducts while under the care of a residential facility, day program or specialized service:

1. Physical abuse;
2. Sexual abuse;
3. Misuse of funds/property;
4. Class I neglect;
5. Class II neglect;
6. Verbal abuse; or
7. Serious medication error.

(B) A complaint under subsection (A) above shall be made to the head of the facility, day program or specialized service, and to the department's regional center, supported community living placement office or district administrator office. If the allegation results in an investigation, the head of the facility shall make reasonable arrangements with respect to the alleged perpetrator to assure the safety of all of the facility's consumers. Such arrangements may include but are not limited to leave with or without pay, or transfer to a position where there is no client contact.

(C) The head of the facility, day program or specialized service shall forward the complaint to:

1. The Children's Division if the alleged victim is under the age of eighteen (18); or
2. The Division of Senior Services and Regulation if the alleged victim is a resident or client of a facility licensed by the Division of Senior Services and Regulation or receiving services from an entity under contract with the Division of Senior Services and Regulation.

(D) Failure to report shall be cause for disciplinary action, criminal prosecution, or both.

(3) The head of the facility, day program or specialized service that is licensed, certified or funded by the department shall immediately report to the local law enforcement official any alleged or suspected.

(A) Sexual abuse; or

(B) Abuse or neglect which results in physical injury; or

(C) Abuse, neglect or misuse of funds/property which may result in a criminal charge.